

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

CORIN BODLEY
1080 Tanland Drive Apt 202
Palo Alto, CA 94303

Applicant for Registered Nurse License

Respondent

Case No. 2011-630

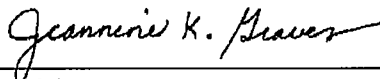
OAH No. 2011020425

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **August 19, 2011**.

IT IS SO ORDERED **July 20, 2011**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

13 **CORIN BODLEY**
1080 Tanland Drive, Apt. 202
14 Palo Alto, CA 94303
Registered Nurse License

15 Respondent.

Case No. 2011-630

OAH No. 2011020425
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Susana A.
23 Gonzales, Deputy Attorney General.

24 2. Respondent Corin Bodley (Respondent) is representing herself in this proceeding and
25 has chosen not to exercise her right to be represented by counsel.
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3. On or about June 14, 2010, Respondent filed an application dated June 3, 2010, with the Board of Registered Nursing to obtain a Registered Nurse License.

JURISDICTION

4. Statement of Issues No. 2011-630 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on February 15, 2011. A copy of Statement of Issues No. 2011-630 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2011-630. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2011-630.

9. Respondent agrees that her Registered Nurse License is subject to denial and she agrees to be bound by the Board of Registered Nursing (Board)'s probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED:

1. The application of Respondent Corin Bodley for licensure is hereby granted and a license shall be issued to Respondent upon successful completion of all licensing requirements. Said license shall immediately be revoked, the order of revocation stayed and Respondent placed on probation for a period of two (2) years on the following conditions:

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

1 3. **Report in Person.** Respondent, during the period of probation, shall
2 appear in person at interviews/meetings as directed by the Board or its designated representatives.

3 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency
4 or practice as a registered nurse outside of California shall not apply toward a reduction of this
5 probation time period. Respondent's probation is tolled, if and when she resides outside of
6 California. Respondent must provide written notice to the Board within 15 days of any change of
7 residency or practice outside the state, and within 30 days prior to re-establishing residency or
8 returning to practice in this state.

9 Respondent shall provide a list of all states and territories where she has ever been licensed
10 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
11 information regarding the status of each license and any changes in such license status during the
12 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
13 license during the term of probation.

14 5. **Submit Written Reports.** Respondent, during the period of probation,
15 shall submit or cause to be submitted such written reports/declarations and verification of actions
16 under penalty of perjury, as required by the Board. These reports/declarations shall contain
17 statements relative to Respondent's compliance with all the conditions of the Board's Probation
18 Program. Respondent shall immediately execute all release of information forms as may be
19 required by the Board or its representatives.

20 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
21 state and territory in which she has a registered nurse license.

22 6. **Function as a Registered Nurse.** Respondent, during the period of
23 probation, shall engage in the practice of registered nursing in California for a minimum of 24
24 hours per week for 6 consecutive months or as determined by the Board.

25 For purposes of compliance with the section, "engage in the practice of registered nursing"
26 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
27 non-direct patient care position that requires licensure as a registered nurse.
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1 The Board may require that advanced practice nurses engage in advanced practice nursing
2 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

3 If Respondent has not complied with this condition during the probationary term, and
4 Respondent has presented sufficient documentation of her good faith efforts to comply with this
5 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
6 extension of Respondent's probation period up to one year without further hearing in order to
7 comply with this condition. During the one year extension, all original conditions of probation
8 shall apply.

9 7. **Employment Approval and Reporting Requirements.** Respondent shall
10 obtain prior approval from the Board before commencing or continuing any employment, paid or
11 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
12 performance evaluations and other employment related reports as a registered nurse upon request
13 of the Board.

14 Respondent shall provide a copy of this Decision to her employer and immediate
15 supervisors prior to commencement of any nursing or other health care related employment.

16 In addition to the above, Respondent shall notify the Board in writing within seventy-two
17 (72) hours after she obtains any nursing or other health care related employment. Respondent
18 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
19 separated, regardless of cause, from any nursing, or other health care related employment with a
20 full explanation of the circumstances surrounding the termination or separation.

21 8. **Supervision.** Respondent shall obtain prior approval from the Board
22 regarding Respondent's level of supervision and/or collaboration before commencing or
23 continuing any employment as a registered nurse, or education and training that includes patient
24 care.

25 Respondent shall practice only under the direct supervision of a registered nurse in good
26 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
27 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
28 approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. Employment Limitations. Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

1 Respondent shall work only on a regularly assigned, identified and predetermined
2 worksite(s) and shall not work in a float capacity.

3 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
4 request documentation to determine whether there should be restrictions on the hours of work.

5 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
6 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
7 than six months prior to the end of her probationary term.

8 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
9 Respondent shall submit to the Board the original transcripts or certificates of completion for the
10 above required course(s). The Board shall return the original documents to Respondent after
11 photocopying them for its records.

12 11. **Violation of Probation.** If Respondent violates the conditions of her
13 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
14 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

15 If during the period of probation, an accusation or petition to revoke probation has been
16 filed against Respondent's license or the Attorney General's Office has been requested to prepare
17 an accusation or petition to revoke probation against Respondent's license, the probationary
18 period shall automatically be extended and shall not expire until the accusation or petition has
19 been acted upon by the Board.

20 12. **License Surrender.** During Respondent's term of probation, if she ceases
21 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
22 probation, Respondent may surrender her license to the Board. The Board reserves the right to
23 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
24 take any other action deemed appropriate and reasonable under the circumstances, without further
25 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
26 longer be subject to the conditions of probation.

27 Surrender of Respondent's license shall be considered a disciplinary action and shall
28 become a part of Respondent's license history with the Board. A registered nurse whose license

1 has been surrendered may petition the Board for reinstatement no sooner than the following
2 minimum periods from the effective date of the disciplinary decision:

3 (1) Two years for reinstatement of a license that was surrendered for any reason other
4 than a mental or physical illness; or

5 (2) One year for a license surrendered for a mental or physical illness.

6 13. **Physical Examination.** Within 45 days of the effective date of this
7 decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
8 physician assistant, who is approved by the Board before the assessment is performed, submit an
9 assessment of Respondent's physical condition and capability to perform the duties of a registered
10 nurse, including a determination as set forth below in Condition 16, "Rule-Out Substance Abuse
11 Assessment." Such an assessment shall be submitted in a format acceptable to the Board. If
12 medically determined, a recommended treatment program will be instituted and followed by
13 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
14 to the Board on forms provided by the Board.

15 If Respondent is determined to be unable to practice safely as a registered nurse, the
16 licensed physician, nurse practitioner, or physician assistant making this determination shall
17 immediately notify the Board and Respondent by telephone, and the Board shall request that the
18 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
19 immediately cease practice and shall not resume practice until notified by the Board. During this
20 period of suspension, Respondent shall not engage in any practice for which a license issued by
21 the Board is required until the Board has notified Respondent that a medical determination
22 permits Respondent to resume practice. This period of suspension will not apply to the reduction
23 of this probationary time period.

24 If Respondent fails to have the above assessment submitted to the Board within the 45-day
25 requirement, Respondent shall immediately cease practice and shall not resume practice until
26 notified by the Board. This period of suspension will not apply to the reduction of this
27 probationary time period. The Board may waive or postpone this suspension only if significant,
28 documented evidence of mitigation is provided. Such evidence must establish good faith efforts

1 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
2 Only one such waiver or extension may be permitted

3 14. **Mental Health Examination.** Respondent shall, within 45 days of the
4 effective date of this decision, have a mental health examination including psychological testing
5 as appropriate to determine his/her capability to perform the duties of a registered nurse,
6 including a determination as set forth below in Condition 16, "Rule-Out Substance Abuse
7 Assessment." The examination will be performed by a psychiatrist, psychologist or other
8 licensed mental health practitioner approved by the Board. The examining mental health
9 practitioner will submit a written report of that assessment and recommendations to the Board.
10 All costs are the responsibility of the respondent. Recommendations for treatment, therapy or
11 counseling made as a result of the mental health examination will be instituted and followed by
12 the respondent.

13 If Respondent is determined to be unable to practice safely as a registered nurse, the
14 licensed mental health care practitioner making this determination shall immediately notify the
15 Board and respondent by telephone, and the Board shall request that the Attorney General's office
16 prepare an accusation or petition to revoke probation. Respondent shall immediately cease
17 practice and may not resume practice until notified by the Board. During this period of
18 suspension, respondent shall not engage in any practice for which a license issued by the Board is
19 required, until the Board has notified respondent that a mental health determination permits
20 respondent to resume practice. This period of suspension will not apply to the reduction of this
21 probationary time period.

22 If Respondent fails to have the above assessment submitted to the Board within the 45-day
23 requirement, respondent shall immediately cease practice and shall not resume practice until
24 notified by the Board. This period of suspension will not apply to the reduction of this
25 probationary time period. The Board may waive or postpone this suspension only if significant,
26 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
27 by the respondent to obtain the assessment, and a specific date for compliance must be provided.
28 Only one such waiver or extension may be permitted.

1 15. **Rule Out Substance Abuse Assessment.** If the examiner conducting the
2 physical and/or mental examination determines that Respondent is dependent upon drugs or
3 alcohol, or has problems with drugs or alcohol (i.e. drug dependence in remission or alcohol
4 dependence in remission) that might reasonably affect the safe practice of nursing, then
5 Respondent must further comply with the following additional terms and conditions of probation:

6 (A) **PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR**
7 **CHEMICAL DEPENDENCE.** Respondent, at her expense, shall successfully complete during
8 the probationary period or shall have successfully completed prior to commencement of probation
9 a Board-approved treatment/rehabilitation program of at least six months duration. As required,
10 reports shall be submitted by the program on forms provided by the Board. If Respondent has not
11 completed a Board-approved treatment/rehabilitation program prior to commencement of
12 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
13 a program. If a program is not successfully completed within the first nine months of probation,
14 the Board shall consider Respondent in violation of probation.

15 Based on Board recommendation, each week Respondent shall be required to attend at least
16 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
17 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
18 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
19 added. Respondent shall submit dated and signed documentation confirming such attendance to
20 the Board during the entire period of probation. Respondent shall continue with the recovery plan
21 recommended by the treatment/rehabilitation program or a licensed mental health examiner
22 and/or other ongoing recovery groups.

23 (B) **ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS.**
24 Respondent shall completely abstain from the possession, injection or consumption by any route
25 of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except
26 when the same are ordered by a health care professional legally authorized to do so as part of
27 documented medical treatment. Respondent shall have sent to the Board, in writing and within
28 fourteen (14) days, by the prescribing health professional, a report identifying the medication,

1 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
2 medication will no longer be required, and the effect on the recovery plan, if appropriate.

3 Respondent shall identify for the Board a single physician, nurse practitioner or physician
4 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
5 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
6 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
7 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
8 considered addictive have been prescribed, the report shall identify a program for the time limited
9 use of any such substances.

10 The Board may require the single coordinating physician, nurse practitioner, or physician
11 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
12 medicine.

13 (C) SUBMIT TO TESTS AND SAMPLES. Respondent, at her expense, shall
14 participate in a random, biological fluid testing or a drug screening program which the Board
15 approves. The length of time and frequency will be subject to approval by the Board.
16 Respondent is responsible for keeping the Board informed of Respondent's current telephone
17 number at all times. Respondent shall also ensure that messages may be left at the telephone
18 number when she is not available and ensure that reports are submitted directly by the testing
19 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
20 to the Board by the program and Respondent shall be considered in violation of probation.

21 In addition, Respondent, at any time during the period of probation, shall fully cooperate
22 with the Board or any of its representatives, and shall, when requested, submit to such tests and
23 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
24 hypnotics, dangerous drugs, or other controlled substances.

25 If Respondent has a positive drug screen for any substance not legally authorized and not
26 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
27 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
28 practice pending the final decision on the petition to revoke probation or the accusation. This

1 period of suspension will not apply to the reduction of this probationary time period.

2 If Respondent fails to participate in a random, biological fluid testing or drug screening
3 program within the specified time frame, Respondent shall immediately cease practice and shall
4 not resume practice until notified by the Board. After taking into account documented evidence
5 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
6 suspend Respondent from practice pending the final decision on the petition to revoke probation
7 or the accusation. This period of suspension will not apply to the reduction of this probationary
8 time period.

9 (D) THERAPY OR COUNSELING PROGRAM. Respondent, at her expense, shall
10 participate in an on-going counseling program until such time as the Board releases her from this
11 requirement and only upon the recommendation of the counselor. Written progress reports from
12 the counselor will be required at various intervals.

13 ACCEPTANCE

14 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
15 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
16 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
17 bound by the Decision and Order of the Board of Registered Nursing.

18
19 DATED: 05/10/2011

CORIN E. BODLEY
CORIN BODLEY
Respondent

ENDORSEMENT

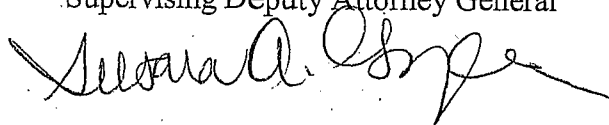
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

5/11/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



SUSANA A. GONZALES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 2011-630

2011-630
2011-630
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2011-630

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2 DIANN SOKOLOFF
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No. 2011-630

12 **CORIN BODLEY**
13 1080 Tanland Drive, Apt. 202
14 Palo Alto, CA 94303

STATEMENT OF ISSUES

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about June 14, 2010, the Board of Registered Nursing, Department of
23 Consumer Affairs received an Application for Licensure by Endorsement from Corin Bodley
24 (Respondent). On or about June 3, 2010, Corin Bodley certified under penalty of perjury to the
25 truthfulness of all statements, answers, and representations in the application. The Board denied
26 the application on or about September 9, 2010.

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1 6. Section 2761 of the Code states:

2 "The board may take disciplinary action against a certified or licensed nurse or deny an
3 application for a certificate or license for any of the following:

4 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

5 ...

6 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
7 functions, and duties of a registered nurse, in which event the record of the conviction shall be
8 conclusive evidence thereof."

9 7. Section 2762 of the Code states, in pertinent part:

10 "In addition to other acts constituting unprofessional conduct within the meaning of this
11 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
12 chapter to do any of the following:

13

14 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
15 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
16 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
17 himself or herself, any other person, or the public or to the extent that such use impairs his or her
18 ability to conduct with safety to the public the practice authorized by his or her license."

19 8. California Code of Regulations, Title 16, section 1444, states, in pertinent part:

20 "A conviction or act shall be considered to be substantially related to the qualifications,
21 functions or duties of a registered nurse if to a substantial degree it evidences the present or
22 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
23 safety, or welfare."

24 FIRST CAUSE FOR DENIAL OF APPLICATION

25 (Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)
26 (Bus. & Prof. Code §§ 480(a)(3), 2761(a), 2762(b))

27 9. Respondent's application is subject to denial under Code sections 480, subdivision
28 (a)(3), and 2761, subdivision (a), as defined by 2762, subdivision (b), in that she engaged in

1 unprofessional conduct by using alcohol in a dangerous manner, an act that if done by a licensee
2 would be grounds for suspension or revocation of the license. The circumstances are as follows:

3 10. On or about, December 28, 2006, at approximately 12:18 a.m., a state trooper for the
4 Vermont State Police observed Respondent's vehicle swerving while travelling in the northbound
5 direction of Vermont Route 103 in Ludlow, Vermont. Respondent's vehicle then crossed the
6 centerline approximately three times. The trooper conducted a traffic stop and upon approaching
7 Respondent's vehicle, smelled a strong odor of intoxicants coming from inside of the vehicle.
8 Respondent, who was driving the vehicle, told the trooper that she had not had any alcohol, but
9 that her passenger had been drinking. The trooper asked Respondent to exit the vehicle,
10 whereupon he smelled a moderate odor of intoxicants on her person. Respondent later told the
11 trooper that she had consumed approximately three Bud Light beers at a bar in Ludlow, Vermont.
12 The trooper asked Respondent to perform a series of sobriety exercises, the results of which
13 evidenced numerous signs of intoxication. The trooper asked Respondent to take a Preliminary
14 Breath Test (PBT) at approximately 12:30 a.m. The results of the PBT showed that Respondent
15 had a blood alcohol content of .122 percent. The trooper determined that Respondent was
16 substantially impaired and he arrested her for driving under the influence of alcohol. Respondent
17 was later administered the breathalyzer test at approximately 1:40 a.m., which showed that she
18 had a blood alcohol content of .088 percent.

19 SECOND CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct - Conviction)

20 (Bus. & Prof. Code §§ 481(a)(1), 2761(a); 2761(f); Cal. Code Regs. tit. 16, § 1444)

21 11. Complainant realleges the allegations contained in paragraphs 9 and 10 above, and
22 incorporates them by reference as if fully set forth here.

23 12. Respondent's application is subject to denial under Code sections 480, subdivision
24 (a)(1), and 2761, subdivision (a), as defined by 2761, subdivision (f), and under California Code
25 of Regulations, title 16, section 1444, in that she was convicted of an offense substantially related
26 to the qualifications, functions, or duties of a registered nurse. The circumstances are that on or
27 about May 25, 2007, in a criminal matter entitled *State vs. Corin Bodley*, in Unit 1 of Windsor
28

1 Circuit Court, Vermont Criminal Division, Docket Number 66-1-07, Respondent was convicted
2 by guilty plea of one count of violating Vermont Statutes Annotated, Title 23, section 1091,
3 subdivision (a) (West 2010) (careless or negligent vehicle operation), a misdemeanor.
4 Respondent was ordered to pay various fees and fines and to complete a Driving Under the
5 Influence Impact Program within 180 days.

6 THIRD CAUSE FOR DENIAL OF APPLICATION
7 (Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)
8 (Bus. & Prof. Code §§ 480(a)(3), 2761(a), 2762(b))

9 13. Respondent's application is subject to denial under Code sections 480, subdivision
10 (a)(3), and 2761, subdivision (a), as defined by 2762, subdivision (b), in that she engaged in
11 unprofessional conduct by using alcohol in a dangerous manner, an act that if done by a licensee
12 would be grounds for suspension or revocation of the license. The circumstances are as follows:

13 14. On or about July 24, 2009, at approximately 12:59 a.m., a state trooper for the
14 Vermont State Police received a phone call from an individual. The individual reported that she
15 had just heard a car drive past by her house at a very high rate of speed, followed by a loud crash.
16 When the state trooper arrived at the scene, the individual told the trooper that upon hearing the
17 crash, she went outside to see what was going on. She observed a female get into the car that had
18 apparently crashed, and she also observed a male at the scene who was driving a truck. It
19 appeared that the man and woman were trying to tow the car that had crashed. Ms. Herman asked
20 the man and woman if they needed any help, and they told her that they did not. When the
21 trooper arrived on scene at approximately 1:32 a.m., there was no vehicle operator present at the
22 scene of the crash. The trooper radioed for a tow truck and asked dispatch to locate the registered
23 owner of the vehicle, who was identified as Respondent. Dispatch contacted Respondent on her
24 cell phone, and she provided them with her address. The trooper went to Respondent's residence
25 and spoke to Respondent about the collision. Respondent stated that she was driving home from
26 hanging out with friends, and she lost control of her vehicle when she swerved to avoid a rodent
27 in the roadway. Respondent further stated that she had consumed a glass of wine and a shot of an
28 alcoholic beverage while she was out with her friends. The trooper smelled a strong odor of

1 intoxicants coming from Respondent, and noted that her eyes were very watery. The trooper
2 asked Respondent to perform a series of Field Sobriety Tests (FSTs), which Respondent was
3 unable to perform satisfactorily. Based upon her poor performance on the FSTs, the trooper took
4 Respondent into custody and transported her to the Harford Police Department. Respondent later
5 stated that she had had four glasses of wine and a shot of Jagermeister while she was out with her
6 friends. Respondent submitted to a preliminary breath test at approximately 2:20 a.m. The breath
7 test showed that Respondent's blood alcohol content was approximately .103 percent.
8 Respondent was administered a breathalyzer test at approximately 3:07 a.m., which showed that
9 her blood alcohol content was .082%.

10 FOURTH CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct - Conviction)

11 (Bus. & Prof. Code §§ 480(a)(1), 2761(a); 2761(f); Cal. Code Regs. tit. 16, § 1444)

12 15. Complainant realleges the allegations contained in paragraphs 13 and 14 above, and
13 incorporates them by reference as if fully set forth here.

14 16. Respondent's application is subject to denial under Code sections 480, subdivision
15 (a)(1), and 2761, subdivision (a), as defined by 2761, subdivision (f), and under California Code
16 of Regulations, title 16, section 1444, in that she was convicted of an offense substantially related
17 to the qualifications, functions, or duties of a registered nurse. The circumstances are that on or
18 about November 24, 2009, in a criminal matter entitled *State vs. Corin Bodley*, in Unit 1 of
19 Windsor Circuit Court, Vermont Criminal Division, Docket Number 947-8-09, Respondent was
20 convicted by guilty plea of one count of violating Vermont Statutes Annotated, Title 23, section
21 1091, subdivision (a) (West 2010) (careless or negligent vehicle operation, with a prior conviction
22 under this section on May 25, 2007), a misdemeanor. Respondent was sentenced to five to six
23 months in jail, with the sentence suspended and probation granted on the condition that
24 Respondent: (1) not be convicted of another offense; (2) meet with her probation officer or
25 designee upon request; (3) inform her probation officer of any change in address; and (4) not
26 operate or attempt to operate a motor vehicle on a public highway unless in possession of a valid
27 Vermont operator's license. Respondent was further ordered to pay various fees and fines.
28

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
3 Statement of Issues, and that following the hearing, the Board of Registered Nursing issue a
4 decision:

- 5 1. Denying the application of Corin Bodley for Application for Licensure by
6 Endorsement;
7 2. Taking such other and further action as deemed necessary and proper.

8 DATED: 1-13-2011

9 *for* *Stacie Benn*
10 LOUISE R. BAILEY, M.ED., RN
11 Executive Officer
12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California
15 Complainant

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